

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR
JURY TRIAL**

2:18CV01520

Plaintiffs named below, for their Amended Complaint against Defendants named below, incorporate The Master Complaint for Damages in MDL No. 2641 by reference (Doc. 364). Plaintiff further shows the Court as follows:

1. Plaintiff:

Neil R. Faint

2. Spousal Plaintiff or other party making loss of consortium claim:

Karla Faint

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's state of residence at the time of implant:

Florida

5. Plaintiff's state of residence at the time of injury:

Florida

6. Plaintiff's current state of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:
U.S. District Court for the Middle District of Florida, Ocala Division
8. Defendants (Check Defendants against whom Complaint is made):
- ☒ C.R. Bard Inc.
- ☒ Bard Peripheral Vascular, Inc.
9. Basis of Jurisdiction:
- ☒ Diversity of Citizenship
- ☐ Other: _____
- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
(Check applicable Inferior Vena Cava Filter(s)):
- ☐ Recovery® Vena Cava Filter
- ☐ G2® Vena Cava Filter
- ☐ G2® Express Vena Cava Filter
- ☐ (G2®X) Vena Cava Filter
- ☐ Eclipse® Vena Cava Filter
- ☐ Meridian® Vena Cava Filter
- ☒ Denali® Vena Cava Filter
- ☐ Other: _____
11. Date of Implantation as to each product:
12/10/2014

12. Counts in the Master Complaint brought by Plaintiffs:

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence – Design
- ☒ Count V: Negligence – Manufacturer
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other: _____

Please state the facts supporting this count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 15th day of August, 2018.

/s/: M. Brandon Smith

M. Brandon Smith

Georgia Bar No. 141418

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Attorney for Plaintiffs

I hereby certify that on this 15th day of August, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/: M. Brandon Smith
M. Brandon Smith